IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4688 of 2006

Kishore V. Gandhi — Petitioner
Vs.
M/s.Creation & ors. — Respondents

Mr.K.K.Tated with Ms.Matesha Jain for petitioner.

Mr.M.A.Rochiramai i/b Rochi & Rochi for resp.nos.159 and 302.

Mr.H.J.Lulia for Resp.No.162.

Mr.K.A.Sampat for Resp.No.154.

Mr.N.A.Modi i/b Mr.Sanjay Manek for Resp.No.1.

CORAM: B.H.MARLAPALLE,J.

July 24, 2006.

P.C.

. Heard the learned counsel for the parties. It is obvious that the order dated 28/4/2006 which has been called in question in this petition only adjourns the appeal filed by the petitioner i.e. Appeal No.170 of 2006, to 30/6/2006 and the appeal is still pending before the Appellate Bench of the Small Causes Court. Therefore, entertaining the petition will be premature.

. My attention has been invited to the order passed by this Court on 3/11/1995 wherein it has been

stated that the Receiver to grant licence to the highest bidder for a period not exceeding six months. If the appellant has prayed before the lower Appellate Court for directions to the Court Receiver for inviting fresh tenders on the ground that the period of six months from the last auction held in 2004 is over, such a request will have to be considered by the same Court with reference to the order dated 3/11/1995 passed by this Court and necessary directions will have to be issued to the Court Receiver.

. Save and except the above clarification, the petition is rejected as premature.

(B.H.MARLAPALLE,J.)